

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CLAUDIA FABIANI, an individual on  
behalf of herself and others similarly  
situated

CASE NO. C 05-2140 JSW

Plaintiff(s),

v.  
ORECK CORPORATION,

STIPULATION AND [PROPOSED]  
ORDER SELECTING ADR PROCESS

Defendant(s).

/

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

**Court Processes:**

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- Mediation (ADR L.R. 6)

*(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)*

**Private Process:**

Private ADR (please identify process and provider) \_\_\_\_\_

The parties agree to hold the ADR session by:

- the presumptive deadline (*The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.*)

other requested deadline \_\_\_\_\_

Dated: 8/23/05 \_\_\_\_\_

/s/ Irving L. Berg  
Attorney for Plaintiff

Dated: 8/26/05 \_\_\_\_\_

/s/ David Aronoff  
Attorney for Defendant

**[PROPOSED] ORDER**

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- ✓ Non-binding Arbitration
- Early Neutral Evaluation (ENE)
- Mediation
- Private ADR

### Deadline for ADR session

90 days from the date of this order.  
other

IT IS SO ORDERED.

August 30, 2005  
Dated:

Jeffrey S. White

UNITED STATES DISTRICT JUDGE  
by Hon. Phyllis J. Hamilton